

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN -2 AM 11:08

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mehrob DOWLATSHAHIE,

Defendant(s)

Magistrate Case No.

US MJ 17 28


COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)  
Transportation of Illegal  
Aliens

The undersigned complainant, being duly sworn, states:

On or about **May 30, 2008**, within the Southern District of California, defendant **Mehrob DOWLATSHAHIE** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Felicitas VARCENAS-Ocampo**, **Remigio SANTOYO-Calderon**, and **Leobardo OSUNA-Bernal** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2<sup>nd</sup> DAY OF JUNE, 2008

  
\_\_\_\_\_  
Leo S. Papas  
UNITED STATES MAGISTRATE JUDGE

fiter

CONTINUATION OF COMPLAINT:  
Mehrob DOWLATSHAHIE

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Felicitas VARCENAS-Ocampo**, **Remigio SANTOYO-Calderon**, and **Leobardo OSUNA-Bernal** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 30, 2008, Lead Border Patrol Agent J. Roa was conducting intelligence-gathering duties as a member of the Campo Border Patrol Station Abatement Team (CSAT). Agent Roa was dressed in plain clothes and operating an unmarked Agency surveillance vehicle. At approximately 2:00 PM, Agent Roa was parked along California State Route 94 approximately one quarter mile west of Shockey Truck Trail in Campo, California when he observed a white four door extended truck pass him headed east on SR 94. The vehicle caught Agent Roa's attention due to its heavily tinted windows and lifted back end, both common characteristics of vehicles used in alien and narcotics smuggling. Smugglers often choose vehicles with these characteristics because the dark tint hinders viewing of the amount and location of occupants or contraband in the vehicles by law enforcement, and the lifted suspension in the rear serves to diminish the sagging appearance caused by excess weight in passengers or cargo. Agent Roa observed the white truck turn south on Shockey Truck trail. Approximately ten minutes later, Agent Roa left his position along Highway 94 and proceeded east to Shockey Truck Trail.

As Agent Roa approached the intersection of Shockey Truck Trail and SR 94, he observed the same white truck traveling north on Shockey Truck Trail. Once the vehicle approached the intersection of Shockey Truck Trail and SR 94, it turned eastbound on SR94. Shockey Truck Trail is a notorious smuggling corridor located approximately 13 miles east of the Tecate, California Port of Entry and leads south from SR 94 approximately six miles all the way to the United States/Mexico border. The hills and canyons on either side of Shockey Truck Trail offer excellent cover and concealment for smugglers making their way north to various well used staging areas and pickup locations along Shockey Truck Trail and in the community of Far Valley, which is home to several local families known to be involved in alien and narcotics smuggling. Agent Roa observed that the vehicle was traveling at what appeared to be an unsafe speed on the S-turns on SR94 and the back end of the vehicle was swaying back and forth as the driver negotiated the turns. Agent Roa continued east on SR94 and proceeded slowly, observing the white truck, a Chevrolet Silverado, approximately one hundred feet ahead of him. Agent Roa observed that the rear of the vehicle was now visibly sagging as if carrying a heavy weight only approximately ten minutes after having being initially observed. Based on his knowledge of smuggling traffic in the Shockey Truck Trail area and his observations of the vehicle, Agent Roa believed the vehicle had picked up illegal aliens or contraband. He continued to observe the white truck heading eastbound on SR94, advising other CSAT agents via Agency radio that the vehicle was headed east on SR 94.

Agent Roa contacted Border Patrol Dispatch via Agency radio and advised the dispatcher that he was following a vehicle that appeared to be involved in alien smuggling, relaying his observation that the vehicle appeared heavily laden. Agent Roa also requested a marked Border Patrol unit respond to attempt to stop the white Silverado, which was traveling at a high rate of speed going east along SR 94, making it difficult for Agent Roa to catch up to the truck. From approximately a quarter mile back, Agent Roa could see that the driver was having some difficulty controlling the vehicle, which was fishtailing over the center line as it traveled through the dips and rises along SR 94 near La Posta Road. As Agent Roa attempted to get close enough to run the license plate, the driver of the white truck continued to pick up speed. As the Silverado sped out of sight around a curve, Agent Roa decided to continue to follow at a safe distance. Agent Roa

continued through the curve and was able to see the Silverado careen around the corner at SR 94 and La Posta Road heading north on La Posta Road.

At this point Agent Roa advised other agents of the vehicle's location and direction of travel as it continued north on La Posta Road. Agent Roa observed the Silverado approximately a half mile ahead of him moving behind several slower moving vehicles. As soon as Agent Roa was within sight of the Silverado, he observed the driver continue to accelerate and pass the slower moving vehicles. At that point, it became obvious to Agent Roa that the driver of the Silverado, later identified as the defendant **Mehrob DOWLATSHAHIE**, was aware that he was being followed and was making an active attempt to flee with no regard for his own safety or that of his passengers or other motorists. DOWLATSHAHIE then accelerated, passing through a residential area on La Posta Road, forcing Agent Roa to drop back further and advise agents that the vehicle was still traveling at a high rate of speed.

As Agent Roa checked ahead, he observed DOWLATSHAHIE make another careening turn from La Posta Road on to Old Highway 80. DOWLATSHAHIE accelerated east on Old highway 80 passing a marked Border Patrol vehicle driven by Border Patrol Agent E. Ferreira, which was parked on the side of the road on Old Highway 80. Agent Ferreira tried to catch up to the Silverado in an attempt to run the vehicle license plate but, due to the high rate of speed he was unable to do so forcing Agent Ferreira to follow at a safe distance. DOWLATSHAHIE continued east on Old Highway 80 subsequently passing an unmarked Agency surveillance vehicle being driven by Border Patrol Agent P. Padilla. As DOWLATSHAHIE passed Agent Padilla at a high rate of speed, he was able to call out the vehicle license plate to Dispatch.

DOWLATSHAHIE continued eastbound on Old Highway 80, still at a high rate of speed. Once DOWLATSHAHIE reached the intersection of old Highway 80 and Crestwood Road he turned north on Crestwood Road. DOWLATSHAHIE was observed by Agent Padilla making an abrupt turn onto a dirt road, called Tusil Road. DOWLATSHAHIE continued to travel north and began leaving a trail of dust, which allowed Border Patrol agents to follow his trail. It should be noted that the area in which DOWLATSHAHIE drove into is a mountainous region of San Diego's east county and land of the La Posta Indian Reservation. This area contains various dirt roads that cover most of the Indian reservation and also contains many blind corners, which can be very dangerous if traveling at a high rate of speed. DOWLATSHAHIE disobeyed the speed limit and dangerously drove at a very high rate of speed through the winding roads. It was during this time that Border Patrol Dispatch contacted the Border Patrol Agents, involved in the event, that a San Diego Sector Air Operations helicopter, also referred to as "Omaha", was arriving to assist in locating the Silverado. Supervisory Border Patrol Agent Weismantel advised agents not to pursue the vehicle and to guard all exits to the reservation in order to keep DOWLATSHAHIE from leaving the area undetected.

While observing Williams Road, Agent Weismantel and Agent Ferreira observed the Silverado careen towards them on the dirt road. In an attempt to stop the vehicle and for their own safety Agent Weismantel and Agent Ferreira, both in service uniforms, drew their service weapons and ordered DOWLATSHAHIE to stop the vehicle. DOWLATSHAHIE ignored the agents' commands and did not comply, erratically maneuvering around the agents' service vehicle and in the process hitting the front bumper of Agent Ferreira's vehicle. DOWLATSHAHIE continued to travel north on Williams Road and once again entered the reservation. Agent Ferreira began to pursue DOWLATSHAHIE, but was instructed to "back off", in order to give DOWLATSHAHIE room to pull over and attempt to abscond on foot, by Agent Weismantel fearing that DOWLATSHAHIE would crash while continuing his attempt to flee. It was at this time that the Omaha air unit advised Border Patrol Agents in the area that they had visual of the white Chevrolet Silverado and would continued to call out the vehicle's route of travel. Agent Weismantel also advised agents in the event to not pursue the vehicle and allow Omaha to keep air observation. Agent Weismantel

**CONTINUATION OF COMPLAINT:****Mehrob DOWLATSHAHIE**

advised agents to continue to guard all exits to the reservation and strategically place themselves in a safe location to deploy a Controlled Tire Deflation Device (CTDD).

At approximately 2:30 pm, Omaha advised agents that the Silverado had dropped off approximately three individuals somewhere in the Indian Reservation. A few minutes' later Omaha advised again that the truck had dropped off another subject and was able to guide Border Patrol Agents to the area. Agent Roa responded to Omaha's instructions and subsequently located a female, later identified as Bonita Sue JONES, hiding behind a tree. Agent Roa identified himself as a Border Patrol Agent and detained JONES for questioning. At approximately 2:35 pm, an agent from the Boulevard Border Patrol Station advised Dispatch that they had successfully spiked the Silverado at Williams Road using a service issued CTDD. DOWLATSHAHIE continued to drive the vehicle, despite having the two front tires successfully deflated. DOWLATSHAHIE recklessly drove the vehicle to a house, located near Live Oak Springs Road, where he crashed through a gate and subsequently abandoned the vehicle. Omaha advised agents that DOWLATSHAHIE fled towards the house and stole a three-wheeled All Terrain Vehicle (ATV). At approximately 2:45 pm Supervisory Border Patrol Agent E. Vito advised Dispatch that he would continue to search for DOWLATSHAHIE as DOWLATSHAHIE continued to elude agents through a heavily populated area near Boulevard, California. At approximately 2:48 pm Agent Vito advised Dispatch that the DOWLATSHAHIE had crashed the ATV into a ditch and that he had successfully apprehended him. At approximately 3:00 pm DOWLATSHAHIE and JONES were transported to Campo Station for processing on suspicion of alien smuggling.

Upon arrival to the Campo Border Patrol Station, Bonita Sue JONES was read her Miranda rights. JONES waived her Miranda rights and agreed to talk to Border Patrol agents without an Attorney present. During her interview JONES volunteered to show the Border Patrol agents where DOWLATSHAHIE had dropped off the bodies during the pursuit. Border Patrol Agent L. Valdivia and Border Patrol Agent M. Saclarides accompanied JONES back to the Posta Indian Reservation. She was able to positively identify the location of the four illegal aliens that DOWLATSHAHIE had dropped off. As the agents arrived to the location four subjects came out of the brush.

Agent Leonardo Valdivia identified himself as a United States Border Patrol Agent and began to question the subjects as to their immigration status. All four subjects freely stated that they were citizens and nationals of Mexico without any documents allowing them to be in or remain legally in the United States. All four subjects were arrested and transported to the Campo Border Patrol Station for processing.

**DEFENDANT STATEMENT:**

On May 30, 2008 at approximately 5:18 PM, DOWLATSHAHIE was advised of his Miranda Rights in the English language by Border Patrol Agent P. Padilla. DOWLATSHAHIE stated that he understood his rights and was willing to speak to agents without having an attorney present. This advisement and DOWLATSHAHIE's responses were witnessed by Border Patrol Agent J. Castro.

DOWLATSHAHIE stated that he is a United States citizen born in San Diego, California. DOWLATSHAHIE stated that on May 29, 2008, he met an unknown woman at a bar in the city of Ocotillo, California and was given keys to a white Chevy pick up and given permission to drive the vehicle to go to Campo, California. DOWLATSHAHIE stated that on May 30, 2008 he left from his dad's house in Live Oak Springs at approximately 9:00 AM. DOWLATSHAHIE stated he drove the white truck from Live Oak Springs to pick up his girlfriend in Boulevard, California and continued to drive around the area for a couple of hours. DOWLATSHAHIE stated that he fled from the Border Patrol because he was afraid of going back



**CONTINUATION OF COMPLAINT:**

**Mehrob DOWLATSHAHIE**

to jail because he didn't have a valid driver license. DOWLATSHAHIE denied ever picking up illegal aliens at any time and also denied being in the area of Shockey Truck Trail.

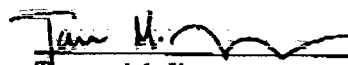
**ASSOCIATE STATEMENT (Bonita Sue JONES):**

JONES claims to be a citizen of the United States. JONES further stated that her boyfriend Rob DOWLATSHAHIE had picked her up at her mother's house in Boulevard, California around noon and he was going to drive her to work. JONES later recanted, stating she was at "Nena's" house in Campo off of Highway 94. "Nena" was not at home and JONES was there with a man named Clark. JONES stated that DOWLATSHAHIE had left the house and came back several minutes later to pick her up. JONES stated that she knew that the people in the bed of the truck were illegal aliens. JONES stated that when DOWLATSHAHIE stopped the vehicle, the aliens jumped out of the pickup and DOWLATSHAHIE told them he would be back for them. JONES offered to bring Agents to the place where the aliens were dropped off. JONES also stated that she told DOWLATSHAHIE to stop several times.

**MATERIAL WITNESSES STATEMENTS:**

Material Witnesses Material Witnesses Sergio Antonio RODRIGUEZ-Gutierrez, Sergio HERREJON-Ferreyra and Daniel ROSAS-Segura stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico to be smuggled into the United States. The three material witnesses stated that they were to pay between \$2,000.00 to \$2,800.00 U.S. dollars to be smuggled to various parts of California. They stated that a foot guide led them across the border. They stated that the guide told them to get into the white pick up. They stated that they observed a male in the driver seat and a female in the passenger seat when they got into the vehicle. All three material witnesses stated that they fear for their lives due to the erratic driving. When shown a photographic lineup none of the above material witnesses were able to identify the defendant as the driver.

Executed on May 31, 2008 at 10:00 A.M.

  
Tomas M. Jimenez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 4 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 30, 2008, in violation of Title 8, United States Code, Section 1324.

  
Leo S. Papas  
United States Magistrate Judge

6/1/08 - 10:53 am  
Date/Time